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TRUDI G. MANFREDO, Bar No. 166474
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In the Matter of) Case No. 11-14827-B-7
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)
MAURICIO DE LEON HERNANDEZ) DC#: TMT-4
and TAMMY MARIE HERNANDEZ,)
)
)
) Date: October 12, 2011
) Time: 10:00 a.m.
Debtors.) Dept: B, Courtroom 12, Fresno
) The Honorable W. Richard Lee
)

TRUSTEE'S MOTION FOR AUTHORITY TO SELL
PERSONAL PROPERTY AT PUBLIC AUCTION

The Motion for Order Authorizing Trustee to Sell Personal
Property at Public Auction filed by Trudi G. Manfredo, Chapter 7
Trustee, represents:

1. Trudi G. Manfredo ("Trustee"), is the duly appointed,
qualified and acting trustee in the Chapter 7 case filed by
Mauricio De Leon Hernandez and Tammy Marie Hernandez ("Debtors").
Debtors filed for relief under Chapter 7 of the Bankruptcy Code on

1 April 26, 2011.

2 2. This is a core matter under 28 U.S.C. § 157 (b) (2) (A)
3 and (N).

4 3. Assets of this bankruptcy estate consist of a 2005 Dodge
5 Ram 3500 pick up VIN 3D7MS48C75G824801 and a 2003 Chevrolet Tahoe
6 VIN 1GNEK13T23J103129. The Chevrolet Tahoe is free and clear of
7 liens and encumbrances and I have objected to debtor's claim of
8 exemption. The Dodge Ram is subject to an encumbrance of
9 approximately \$8,700.00 in favor of Chase Auto Finance, which will
10 be paid from the auction proceeds, and I have objected to the
11 debtor's claim of exemption on this vehicle as well. To the
12 extent that Debtor's exemption is allowed, it will also be paid
13 from the auction proceeds.

14 4. Trustee has secured the Personal Property by arranging
15 for her auctioneer to move the Personal Property to the auction
16 site, 1731 Art Street, Bakersfield, California.

17 5. The Trustee believes that selling the Personal Property
18 at public auction will yield the best price obtainable under the
19 circumstances of the Chapter 7 case filed by Debtor. This
20 Personal Property is not the only asset of the estate.

21 6. The Trustee believes that the sale of Personal Property
22 at public auction is in the best interests of the estate and its
23 creditors because a sale by public auction would be the most
24 efficient and economical way to sell the Personal Property in the
25 least amount of time.

26 7. In order to expedite the sale of the Personal Property,
27 the Trustee entered into an agreement with Jerry Gould of Gould
28 Auction and Appraisal Company, to advertise and manage the auction

1 ("Auctioneer"). According to the agreement between the Trustee
2 and Auctioneer, the fees for professional services rendered by
3 Auctioneer will not exceed 15% (fifteen percent) on the gross
4 proceeds of the auction plus \$1,200.00 in extraordinary expenses
5 for transporting the vehicle and for necessary repairs. At a
6 minimum, two batteries and a starter must be purchased to put
7 these vehicles in running condition. Auctioneer will also charge
8 each buyer \$50.00 to cover costs incurred for transferring title
9 with the DMV.

10 8. The details of the compensation to the Auctioneer will
11 be subject to the terms and conditions set forth in the
12 Application for Order Authorizing Employment of Auctioneer to
13 Conduct Public Auction which is being filed concurrently
14 herewith.

15 9. The public auction is currently scheduled for October
16 22, 2011, at 9:00 a.m. with the auction to be held at 1731 Art
17 St., Bakersfield, California 93312.

18 WHEREFORE, Trustee prays as follows:

19 1. That Trustee's Motion for authority to Sell Personal
20 Property at Public Auction be granted;

21 2. That the Trustee be authorized to sell the Personal
22 Property at public auction on or about October 22, 2011, at 9:00
23 a.m. with the auction to be held at 1731 Art St. Bakersfield,
24 California, 93312 on the terms and conditions set forth herein
25 above;

26 3. That the Trustee be authorized to pay 15% commission to
27 Gould Auction from the proceeds received from the auction sale.
28 Auctioneer is also authorized to charge the buyer \$50.00 to cover
costs incurred for transferring title with DMV. Auctioneer will

1 not be reimbursed for any extraordinary expenses in excess of
2 \$1,200.00 without further court order;

3 4. For such other and further relief as the Court deems to
4 be just and proper.

5 Dated: September 19, 2011

/s/ Trudi G. Manfredo
TRUDI G. MANFREDO, Trustee

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